

Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

YOLANY PADILLA, *et al.*,

Plaintiffs-Petitioners,

v.

U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT, *et al.*,

Defendants-Respondents.

Case No. 2:18-cv-00928-MJP

**~~PROPOSED~~ ORDER GRANTING
STIPULATED MOTION TO DISMISS
COUNT IV AND GRANTING FINAL
APPROVAL OF PROPOSED CLASS
SETTLEMENT**

The Parties have filed a Stipulated Motion to Dismiss Count IV of the Complaint and Grant Final Approval of the class action settlement with respect to the Credible Fear Class. The Court has carefully considered the Class Settlement Agreement together with all exhibits thereto, all the filings related to the settlement, the arguments of counsel, and the record in this case. The Court also held a fairness hearing on January 5, 2024, following notice to the class as approved by the Court's previous order granting preliminary approval of the Agreement. The Court finds that the Agreement is sufficiently fair, reasonable, and adequate.

IT IS HEREBY ORDERED THAT:

1. Count IV is dismissed with prejudice. The Parties shall bear their own attorney's fees and costs, except as provided by the Agreement.

1 2. The Court grants final approval of the Agreement, finding that the terms of the
2 Agreement are fair, reasonable, and adequate as required by Fed. Rule Civ. Proc.
3 23(e)(2).

4 3. The Court previously certified the class as “All detained asylum seekers in the United
5 States subject to expedited removal proceedings under 8 U.S.C. § 1225(b) who are not
6 provided a credible fear determination within ten days of the later of (1) requesting
7 asylum or expressing a fear of persecution to a DHS official or (2) the conclusion of any
8 criminal proceeding related to the circumstances of their entry, absent a request by the
9 asylum seeker for a delayed credible fear interview.” This is also the class for purposes of
10 settling the claims with respect to the Credible Fear Class.

11 4. As specified in the Agreement, and notwithstanding the dismissal of Count IV, the
12 Court shall retain jurisdiction over all disputes between and among the Parties arising out
13 of the Agreement, including but not limited to interpretation and enforcement of the
14 terms of the Agreement, except as otherwise provided in the Agreement.

15 5. Neither the settlement, nor any exhibit, document, or instrument delivered thereunder
16 shall be construed as or deemed to be evidence of an admission or concession by
17 Defendants or an interpretation of any liability or wrongdoing by Defendants, or of the
18 truth of any allegations asserted by Plaintiffs, Class Members, or any other person.

19 6. The Court orders Defendants to pay attorney’s fees and costs in the amount of
20 \$100,000. The Court finds that this amount is reasonable.
21
22
23
24

7. The Parties' Stipulated Motion to Dismiss Count IV and for Final Approval of Proposed Class Settlement is hereby GRANTED. The Court hereby approves the proposed class-wide relief set forth in the Agreement.

IT IS SO ORDERED.

Dated this 5th day of January, 2024.



Honorable Marsha J. Pechman
United States Senior District Judge

Presented this 22nd day December, 2023.

s/ Matt Adams
Matt Adams, WSBA No. 28287

s/ Trina Realmuto
Trina Realmuto*

s/ Aaron Korthuis
Aaron Korthuis, WSBA No. 53974

s/ Kristin Macleod-Ball
Kristin Macleod-Ball*

s/ Glenda M. Aldana Madrid
Glenda M. Aldana Madrid, WSBA No. 46987

NORTHWEST IMMIGRANT RIGHTS
PROJECT
615 Second Avenue, Suite 400
Seattle, WA 98104
(206) 957-8611
matt@nwirp.org
aaron@nwirp.org
glenda@nwirp.org

NATIONAL IMMIGRATION LITIGATION
ALLIANCE
10 Griggs Terrace
Brookline, MA 02446
(617) 819-4447
trina@immigrationlitigation.org
kristin@immigrationlitigation.org

s/ Emma Winger
Emma Winger*

AMERICAN IMMIGRATION COUNCIL
American Immigration Council
1331 G Street NW, Suite 200
Washington, DC 20005
(202) 507-7512
ewinger@immcouncil.org

Attorneys for Plaintiffs and Class Members
*Admitted pro hac vice

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General
Civil Division

WILLIAM C. PEACHEY
Director, District Court Section
Office of Immigration Litigation

EREZ REUVENI
Assistant Director, District Court Section

SARAH S. WILSON
Assistant Director, Appellate Section

/s/ Lauren C. Bingham
LAUREN C. BINGHAM, Fl. Bar #105745
Senior Litigation Counsel,
District Court Section
Office of Immigration Litigation
Civil Division
P.O. Box 868, Ben Franklin Station
Washington, DC 20044
(202) 616-4458; (202) 305-7000 (fax)
lauren.c.bingham@usdoj.gov

JESI J. CARLSON
Senior Litigation Counsel, Appellate Section

DAVID KIM
Trial Attorney, Appellate Section

Attorneys for Defendants-Respondents